

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03  
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13  
ACDA-07 SCA-01 VO-03 OMB-01 SAJ-01 /084 W  
-----111557Z 005908 /65

O R 111407Z JAN 77  
FM USMISSION USBERLIN  
TO AMEMBASSY BONN IMMEDIATE  
INFO SECSTATE WASHDC 3779  
AMEMBASSY BERLIN UNN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0103

E O 11652: GDS  
TAGS: PFOR, PGOV, WB, GE, UR  
SUBJ: ALLIED RESPONSE TO GDR MEASURES

REFS: A) USBERLIN 0075; B) USBERLIN 0065

1. FOLLOWING IS TEXT OF BRITISH IB REPORTING RECOM-  
MENDATIONS OF MISSIONS ON POSSIBLE STATEMENT TO BE MADE  
BY CHAIRMAN POLAD TO SOVIET EMBASSY COUNSELLOR KHOTULEV:

BEGIN TEXT: (A) TREATMENT OF EASTERN NATIONALS IN WEST BERLIN

AS A RESULT OF RECENT SOVIET APPROACHES, THE ALLIES  
HAVE BEEN CONSIDERING THE PROBLEM OF STAYS BEYOND 31  
DAYS AND THE QUESTION OF VISA REQUIREMENTS IMPOSED ON  
PRIVATE SOVIET AND EASTERN EUROPEAN VISITORS BY THE  
LAWS IN FORCE IN THE WESTERN SECTORS. THESE LAWS  
ALREADY PROVIDE SUCH PERSONS WITH OPPORTUNITIES  
TO MAKE SHORT VISITS TO THE WESTERN SECTORS WHICH  
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ARE CONSIDERABLY MORE LIBERAL THAN THE OPPORTUNITIES  
WHICH EXISTED FOR PRIVATE CITIZENS OF ALLIED AND OTHER  
NATIONALITIES TO MAKE SHORT VISITS TO EAST BERLIN EVEN  
BEFORE THE BEGINNING OF THIS YEAR. THE ALLIES  
ACCORDINGLY WILL EXPECT SOVIET AND EASTERN EUROPEAN  
NATIONALS TO COMPLY FULLY WITH THE LAWS IN FORCE IN  
THE WESTERN SECTORS OF BERLIN, WHICH INCLUDE THE

REQUIREMENT FOR VISAS TO BE OBTAINED PURSUANT TO THE GERMAN PASSPORT LAW IN SITUATIONS OTHER THAN THOSE DEALT WITH IN BK/O(67)7. THE ALLIES WILL ALSO SHORTLY BE ISSUING AN AMENDMENT TO BK/O(78)7 WHICH WILL CLOSE THE LOOPHOLE RECENTLY UTILIZED BY CERTAIN SOVIET NATIONALS. FURTHERMORE, WE ARE REVIEWING THE IMPLEMENTATION OF THE SPECIAL VISITOR'S PERMIT PRIVILEGE ENJOYED BY PRIVATE RUSSIAN VISITORS. OPEN SQUARE BRACKETS THE CHAIRMAN POLAD COULD HERE RUN THROUGH THE VARIOUS PROCEDURES FOR SOVIET AND EAST EUROPEAN VISITORS IN THE WSB AND COVER THE MALEV POINT RAISED BY KHOTULEV ON 5 NOV.

(B) LIST OF GDR TRANSGRESSIONS:

AS YOU WILL BE AWARE FROM THE STATEMENT DELIVERED BY THE ALLIES ON-----IN-----WE ARE CONCERNED BY THE CUMULATIVE EFFECT OF RECENT GDR CLAIMS AND MEASURES AND HOPE THAT THE SOVIET AUTHORITIES SHARE OUR CONCERN ABOUT THIS APPARENT ATTEMPT BY THE EAST GERMANS TO ALTER THE STATUS OF EAST BERLIN AND TO ASSERT THEIR OWN COMPETENCE WITH RESPECT TO THAT STATUS. WE EXPECT THAT THE RUSSIANS WILL TAKE STEPS, IN THE EXERCISE OF THEIR OBLIGATIONS, TO PREVENT ANY FURTHER DRIFT IN THIS DIRECTION. IN PARTICULAR, AND IN ADDITION TO THE POINTS WHICH WERE MADE IN (-----THE MAIN PROTEST) WE WOULD REFER THE SOVIET AUTHORITIES TO:

(A) UNACCEPTABLE GDR CLAIMS CONCERNING THE  
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QUADRIPARTITE AGREEMENT SUCH AS THE STATEMENT BY THE GDR MINISTRY OF FOREIGN AFFAIRS SPOKESMAN ON 31 DECEMBER. MITDANK HAS ALSO IN HIS MEETING WITH KUNZE UNACCEPTABLY ASSERTED THAT THE GDR HAS A NATURAL RIGHT TO POLICE THE QUADRIPARTITE AGREEMENT:

(B) OBSTRUCTIVE GDR POLICY OVER LOCAL QUESTIONS, IN WHICH THEY HAVE ATTEMPTED TO SECURE AGREEMENTS WITH LANGUAGE DESIGNED TO PREJUDICE THE LEGAL STATUS OF THE CITY (E.G., AS IN THE CASE OF THE SPANDAU LOCK AGREEMENT, THE TEXT OF WHICH WAS AGREED IN 1974 BUT WHICH THE GDR HAVE PERSISTENTLY SOUGHT TO CHANGE.)

(C) FREQUENT VIOLATIONS OF THE DEMILITARIZED STATUS OF EAST BERLIN:

(D) ABOVE ALL, AND MOST SERIOUSLY, IT HAS COME TO OUR ATTENTION THAT THE VERORDNUNGSBLATT FUER GROSS BERLIN HAS NOT BEEN PUBLISHED SINCE SEPTEMBER. THIS RAISES THE QUESTION OF WHETHER THE UEBERNAHME PROCEDURE

IS CONTINUING TO APPLY IN EAST BERLIN AS IT HAS IN  
WSB SINCE THE FOUNDATION OF THE BUNDESTAG. THE ALLIED  
AUTHORITIES WOULD VIEW ANY CHANGE IN THIS PROCEDURE  
EXTREMELY SERIOUSLY. THEY WOULD LIKE AN ASSURANCE  
FROM THE SOVIET AUTHORITIES THAT THE UEBERNAHME  
PROCEDURE CONTINUES TO APPLY IN EAST BERLIN, AND THAT  
THIS WILL BE REFLECTED IN THE CONTINUED PUBLICATION OF  
THE VERORDNUNGSBLATT FUER GROSS BERLIN. END TEXT.

2. FOLLOWING IS TEXT OF DRAFT BK/O AMENDING BK/O(67)7  
WHICH MISSIONS HAVE AGREED TO RECOMMEND TO EMBASSIES:

BEGIN TEXT: SUBJECT: RESIDENCE OF ALIENS

THE ALLIED KOMMANDATURA HEREBY ORDERS THAT BK/O(67)7  
SHALL BE AMENDED AS FOLLOWS:

IN PARAGRAPH 2 (B) OF THE FRENCH TEXT THE WORDS  
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"DANS UN DELAI D'UN JOUR OUVRABLE APRES SON ARRIVEE"  
SHALL BE REPLACED BY THE WORDS "IMMEDIATEMENT  
APRES SON ARRIVEE".

BETWEEN PARAGRAPHS 2 AND 3 THERE SHALL BE INSERTED  
THE FOLLOWING NEW PARAGRAPH:

"2 A. IF A PERSON WHO HAS STAYED IN THE WESTERN  
SECTORS OF BERLIN IN ACCORDANCE WITH THE PROVISIONS OF  
PARAGRAPH 2 ABOVE WISHES TO TAKE ADVANTAGE OF THEM AGAIN,

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ACTION EUR-12

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ACDA-07 OMB-01 SCA-01 VO-03 SAJ-01 /084 W  
-----111558Z 005808 /65

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FM USMISSION USBERLIN  
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INFO SECSTATE WASHDC 3780  
AMEMBASSY BERLIN UNN

AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
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A PERIOD OF 60 DAYS MUST HAVE ELAPSED BETWEEN THE END OF THE PREVIOUS STAY AND THE BEGINNING OF THE NEW ONE. IN EXCEPTIONAL CASES THE APPROPRIATE SECTOR COMMANDANT MAY AGREE, SUBJECT TO SUCH CONDITIONS AS HE THINKS FIT, TO A SHORTENING OF THIS PERIOD."

THIS ORDER WILL BE TRANSMITTED TO THE GOVERNING MAYOR FOR SUCH ACTION AS MAY BE NECESSARY IN RELATION TO IT INCLUDING PUBLICATION IN ACCORDANCE WITH BK/O(64)4.

CHAIRMAN DEPUTY COMMANDANT  
END TEXT.

3. 3. FOLLOWING FOR EMBASSY'S INFORMATION IS DRAFT OF COMPLEMENTARY CLASSIFIED BK/L WHICH MISSIONS ARE STILL REVIEWING IN CONNECTION WITH ISSUANCES OF DRAFT BK/O:

BEGIN TEXT: SUBJECT: RESIDENCE OF ALIENS

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TO: THE GOVERNING MAYOR, BERLIN

DEAR GOVERNING MAYOR:

THE ALLIED KOMMANDATURA HAS TODAY ISSUED BK/O(77)-----.  
THE INTENTION OF THIS BK/O IS TO ENSURE THAT THE RELEVANT PROVISIONS OF BK/O(67)7 ARE COMPLIED WITH BY SOVIET NATIONALS AND NATIONALS OF CERTAIN OTHER COMMUNIST COUNTRIES WHO CHOOSE TO TAKE ADVANTAGE OF THE OPPORTUNITY PROVIDED BY THAT BK/O TO RESIDE IN THE WESTERN SECTORS OF BERLIN FOR NOT MORE THAN 31 DAYS WITHOUT OTHERWISE SATISFYING THE FORMAL REQUIREMENTS OF THE LAW ORDINARILY APPLICABLE IN THE WESTERN SECTORS OF BERLIN. BK/O(77)----- IS ALSO INTENDED TO PROVIDE THE SECTOR COMMANDANTS WITH DISCRETIONARY AUTHORITY TO PERMIT EXTENDED OR ADDITIONAL STAYS IN THE WESTERN SECTORS WHEN SUCH STAYS ARE DEEMED TO BE IN THE INTERESTS OF THE WESTERN SECTORS OF BERLIN.

THE ALLIED KOMMANDATURA WISHES TO TAKE THIS OCCASION TO POINT OUT THAT THE CATEGORY "SOVIET OFFICIALS AND PERSONS OFFICIALLY CONNECTED WITH THE SOVIET

AUTHORITIES IN BERLIN AND THEIR DEPENDENTS", RESIDENCE PROCEDURES FOR WHICH ARE DEALT WITH IN PARAGRAPH 5(A)(III) OF BK/L(67)15, INCLUDES SOVIET NATIONALS WHO ARE OFFICIALLY CONNECTED WITH THE SOVIET OCCUPATION AUTHORITIES IN BERLIN OR DEPENDENTS OF SUCH PERSONS. IT DOES NOT INCLUDE SOVIET NATIONALS WHO POSSESS A CONNECTION TO ANY OTHER SOVIET INSTITUTION OR OFFICE IN BERLIN SUCH AS THE SOVIET CONSULATE GENERAL OR THE SOVIET COMMERCIAL ESTABLISHMENTS IN THE WESTERN SECTORS OF BERLIN.

SOVIET NATIONALS WHO ARE NOT SOVIET OFFICIALS OR PERSONS OFFICIALLY CONNECTED WITH THE SOVIET AUTHORITIES IN BERLIN AS DESCRIBED ABOVE AND WHOSE  
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INTENDED STAY IS TO EXCEED 31 DAYS MUST CONTINUE TO SATISFY THE REQUIREMENTS OF GERMAN LAW, THE PROVISIONS OF PARAGRAPH 5(A)(V) OF BK/L(67)15, OR THE PROVISIONS OF BK/L(72)42 OR THEY MUST SEEK TO AVAIL THEMSELVES OF THE DISCRETIONARY AUTHORITY OF THE APPROPRIATE SECTOR COMMANDANT UNDER BK/O(77)----- IN ORDER TO RESIDE IN THE WESTERN SECTORS OF BERLIN.

THE ALLIED KOMMANDATURA WISHES TO REITERATE THAT THE PRINCIPLE OF FREEDOM OF MOVEMENT WITHIN BERLIN CONTINUES TO BE IMPORTANT. NEITHER THIS INSTRUCTION NOR BK/O(77)----- IS INTENDED AS A BASIS, THEREFORE, FOR ATTEMPTING TO CONTROL ENTRY INTO THE WESTERN SECTORS FROM THE SOVIET SECTOR, AND IT SHOULD NOT BE SO REGARDED.

YOURS SINCERELY,

CHAIRMAN DEPUTY COMMANDANT  
END TEXT.DAVIS

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## Message Attributes

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**Disposition Comment:** 25 YEAR REVIEW  
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**Enclosure:** n/a  
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**To:** BONN  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009